

2008 SEP 16 PM 12:30

Docket No.: 2091-0288P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yukita GOTOHDA et al.

Application No.: 10/649,824

Confirmation No.: 9008

Filed: August 28, 2003

Art Unit: 2622

For: METHOD, DEVICE, AND PROGRAM FOR  
CONTROLLING IMAGING DEVICE

Examiner: J. P. Misleh

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**I. REFUND REQUEST**

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of August 2008 for the above-identified

☒ application      ☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

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II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED

☐ filing fee

\_\_\_\_\_

☐ search fee

\_\_\_\_\_

☐ examination fee

\_\_\_\_\_

☐ surcharge for filing the basic filing  
on a date later than the filing date of  
the application (37 C.F.R. § 1.16(e))

\_\_\_\_\_

and/or

☐ surcharge for filing the oath or declaration  
on a date later than the filing date of the  
application (37 C.F.R. § 1.16(e))

\_\_\_\_\_

☒ extension of term

☒ first month

\$120.00

☐ second month

\_\_\_\_\_

☐ third month

\_\_\_\_\_

☐ fourth month

\_\_\_\_\_

☐ excess claims

\_\_\_\_\_

☐ issue fee

\_\_\_\_\_

☐ petition fee

\_\_\_\_\_

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- |                          |                                  |       |
|--------------------------|----------------------------------|-------|
| <input type="checkbox"/> | patent maintenance fee           | _____ |
| <input type="checkbox"/> | first maintenance fee            | _____ |
| <input type="checkbox"/> | second maintenance fee           | _____ |
| <input type="checkbox"/> | third maintenance fee            | _____ |
| <input type="checkbox"/> | patent maintenance fee surcharge | _____ |
| <input type="checkbox"/> | Other:                           | _____ |
|                          |                                  | _____ |
|                          |                                  | _____ |

TOTAL REFUND REQUESTED	<u>\$120.00</u>
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III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

A fee of \$120.00 was erroneously charged to our deposit account on August 4, 2008 for the first- month extension of time. We received a Restriction Requirement with a mailing date of May 28, 2008. According to the Requirement, the statutory period for response was set to expire 3 months or thirty days, whichever is longer, from the mailing date of the communication. We prepared and filed the Restriction Requirement by the due date of August 28, 2008, as set forth by the PTO. A copy of the Office Action is attached hereto. Therefore, this was a PTO error and the first month extension fee in the amount of \$120.00 should be refunded.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

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We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: September 15, 2008

Respectfully submitted,

By 

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Attorney for Applicant

Attachment(s)

Document code: WFEE

United States Patent and Trademark Office  
Sales Receipt for Accounting Date: 08/04/2008

BDENNY SALE #00000001 Mailroom Dt: 07/23/2008 022448 10649824  
01 FC:1251 120.00 DA

Adjustment date: 09/17/2008 HDESTA1  
08/04/2008 BDENNY 00000001 022448 10649824  
01 FC:1251 120.00 CR